



State of Tennessee Department of Children's Services

Administrative Policies and Procedures: 4.9

Subject: Employee Disciplinary Actions

Supersedes: DCS 4.9, 02/01/98

Local Policy: No

Local Procedures: No

Training Required: No

Approved by:

Effective date: 02/01/98

Revision date: 02/01/02

Application

To All Department of Children's Services Employees

Authority: TCA 37-5-106

Policy

Federal and Tennessee Law, and Rules of the Tennessee Department of Personnel shall govern all disciplinary actions. Job performance problem(s) and/or personal conduct problems related to job performance shall be dealt with through corrective counseling, performance evaluation, employee assistance programs, oral/written warnings and other disciplinary actions as appropriate.

Procedures

A. Supervisor's responsibilities

It is the responsibility of all senior managers to become familiar with the Tennessee Department of Personnel Rules, and to ensure that subordinate supervisors are also familiar with such rules. It is expected that personnel representatives, thoroughly trained in disciplinary procedures, will be consulted by managers and supervisors in contemplating disciplinary actions. All disciplinary actions shall be issued as swiftly as possible after the problem behavior, in order to deter the employee from future problem behaviors.

B. Disciplinary action

1. All disciplinary documents must be prepared in accordance with sample formats included in the *Department of*

Children's Services Personnel Resource Manual. The format for verbal warning is only suggested and may be altered.

2. Only the appointing authority (commissioner or superintendent) may issue disciplinary actions (suspensions, demotions, terminations, etc.) after due process proceedings.
3. Disciplinary memoranda for taking disciplinary actions (suspensions, demotions, terminations) must be drafted in final form and submitted to the Director of Personnel for review if the Commissioner's signature is required.
4. Due process hearings may be rescheduled if the reason for rescheduling is warranted. If an employee is unable to attend the due process hearing on the scheduled date, they must notify the appropriate manager within forty-eight (48) hours prior to the hearing date.
5. The Director of Personnel shall obtain the Commissioner's signature and return the memorandum to the supervisor for delivery.

C. Ten calendar-days notice

1. A mandatory notice of at least ten calendar days (10) is required in all cases of dismissals, except in cases of gross misconduct or employees on initial probation.
2. The employee's accumulated annual leave balance cannot be used or in any way reduced during this period, except in cases of gross misconduct or at the option of the employee.
3. Additional language necessary to clarify the status of the employee during the ten days must be included in the memorandum.

D. Delivery of notice

1. All disciplinary memoranda will be delivered in a timely manner. If an employee cannot be given such notice in person, a "certified letter" with "*Return Receipt Requested*" must be utilized.
2. A copy of disciplinary memoranda shall be forwarded to central office personnel.

**E. Grounds for
severe
disciplinary action**

1. In addition to the disciplinary offenses listed in Tennessee Department of Personnel Rules, the following offenses **may** be grounds for severe disciplinary action up to and including termination:
 - a) Violation of the oath of office
 - b) Improper student/employee relationship
 - c) Falsification of any official document
 - d) Improper use of student labor
 - e) Transporting contraband, weapons, or ammunition onto the property of any DCS facility
 - f) Brutality/ill treatment, including verbal or physical abuse in the performance of duties
 - g) Arrest or indictment or conviction for alleged criminal acts
 - h) Failure to properly notify supervisor of arrest
 - i) Absence without leave (AWOL)
 - j) Personal or romantic relationships which arise to the level of a conflict of interest with DCS functions
2. The above list is **not** inclusive of all possible grounds for disciplinary action.

Forms

None

Collateral Documents

None

Standards

None